

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
COLETTE D. RAGIN,

Plaintiff,

-against-

NEWBURGH ENLARGED CITY SCHOOL  
DISTRICT, DR. ANNETTE SATURNELLI,  
SUPERINTENDENT OF SCHOOLS, sued in  
her individual capacity, and RUNSTON LEWIS,  
sued in his individual capacity,

Defendants.  
-----X

**ECF CASE**

06 CV 2797 (SCR) (LMS)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that upon the accompanying Declaration of John S. Diaconis, Esq., the Affidavits of Dawn Fuchek, Grace Bowles, Thomas Woodhull, Ralph Pizzo, Pamela Resch, Local Rule 56.1 Statement of Material Facts, the Memorandum of Law in Support of Defendants' Motion for Summary Judgment, the defendants Newburgh Enlarged City School District, Dr. Annette Saturnelli, and Runston Lewis, by their attorneys, Rutherford & Christie, LLP, will move this Honorable Court on a date and time to be decided by this Honorable Court:

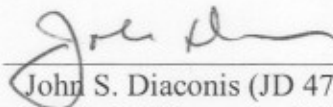
- 1) for an Order pursuant to Rule 56 of the Federal Rules of Civil Procedure for Summary Judgment dismissing all claims by plaintiff Colette Ragin, as there is no genuine issue as to any material fact and the defendants, Newburgh Enlarged City School District, Dr. Annette Saturnelli, and Runston Lewis are therefore, entitled to judgment as a matter of law.
- 2) for such other and further relief as this Court deems just and proper.

Dated: New York, New York  
April 20, 2007

Respectfully submitted,

**RUTHERFORD & CHRISTIE, LLP**

By:



John S. Diaconis (JD 4772)

Lewis R. Silverman (LS 9723)

Attorneys for Defendants

Newburgh Enlarged City School District,

Dr. Annette Saturnelli, and Runston Lewis

300 East 42<sup>nd</sup> Street, 18<sup>th</sup> Floor

New York, New York 10017

(212) 599-5799

TO: Law Offices of Michael H. Sussman  
Attorney for Plaintiff,  
COLETTE RAGIN  
40 Park Place, P.O. Box 1005  
Goshen, NY 10924  
(845) 294-3991

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**DECLARATION**

JOHN S. DIACONIS, being duly sworn deposes and says:

1. I am an attorney with Rutherford & Christie, LLP, and act as counsel to the defendants Newburgh Enlarged City School District (the "District"), Dr. Annette Saturnelli ("Saturnelli") and Runston Lewis ("Lewis"). I submit this Declaration in support of the District's motion for summary judgment to place between the Court certain Exhibits in this action.

2. Annexed hereto as Exhibits "A" through "J" are the following:

- A. Deposition Transcript of plaintiff Colette Ragin
- B. Personnel Change Report.
- C. Special Subject Schedule Summary - 2005-2006.
- D. Young Parents Attendance.
- E. Letter dated, January 27, 2006.
- F. Letter dated, January 31, 2006.
- G. Letter dated, March 7, 2006.

- H. Letter dated, February 13, 2006.
- I. Letter dated, April 3, 2006.
- J. Plaintiff's Complaint
- K. Affidavits of Board Members
- L. Plaintiff's Complaint against her prior employer, East Ramapo School District
- M. Deposition Excerpt of Annette Saturnelli
- N. Deposition Excerpt of Runston Lewis

  
JOHN S. DIACONIS

Dated: New York, New York  
April 20, 2007

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06 CV 2797 (SCR) (LMS)

**RULE 56.1 STATEMENT**

Pursuant to Local Civil Rule 56.1 of the Local Rules of the United States District Court for the Southern and Eastern Districts of New York, the moving defendants Newburgh Enlarged City School District ("the District"), Dr. Annette Saturnelli ("Saturnelli") and Runston Lewis ("Lewis") and through their attorneys, Rutherford & Christie, LLP, submit the following Supplemental Statement of undisputed facts in connection with their motion for summary judgment pursuant to Rule 56.1 of the Federal Rules of Civil Procedure.

1. Plaintiff commenced working as the Principal of Horizons-on-Hudson Elementary School at the District on January 3, 2005, at an annual salary of \$97,814. (Exhibit "A" at 12).
2. In August 2005, plaintiff submitted schedules of teachers to Assistant Superintendent Marsha Sobel. (Exhibit "A" at 45).
3. In January 2006, on eight work days, plaintiff engaged one of the teachers in Horizons to drive her to work during working hours with the result that the teacher arrived at work after the start of the work day. (Exhibit "A" at 88-93) (Exhibit "C").

4. On January 31, 2006, plaintiff was placed on disciplinary suspension with pay. (See Exhibit "F").

5. Plaintiff requested and was provided the reasons for plaintiff's termination as follows: (i) engaging one of her teachers under her supervision to serve as a driver to drive plaintiff to and from work, resulting in the teacher coming to school late (ii) underutilizing a music teacher by giving that teacher only three instructional assignments during the day, and (iii) failing to call the underutilization of the music teacher to the attention of Superintendent Saturnelli. (See Exhibit "H").

6. On March 6, 2006, at the Board of Education meeting, plaintiff's probationary employment was terminated effective on the close of business on April 14, 2006. (See Exhibit "H").

7. By letter of April 3, 2006, plaintiff resigned her position as principal with the District. (See Exhibit "I").

8. Plaintiff instituted a suit for sexual harassment against East Ramapo School District. (See Exhibit "L").

9. Plaintiff made a claim for sexual harassment against Victory School. (See Exhibit "A" at 12, 30, 31, 7-9).

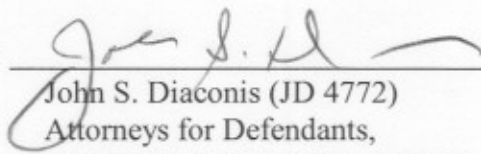
10. Plaintiff instituted a suit for sexual harassment against New York Telephone Company. (See Exhibit "A" at 12, 30, 31, 7-9).

Dated: New York, New York  
April 20, 2007

Respectfully submitted,

**RUTHERFORD & CHRISTIE, LLP**

By: \_\_\_\_\_

  
John S. Diaconis (JD 4772)

Attorneys for Defendants,

Newburgh Enlarged City School

District, Dr. Annette Saturnelli,

Superintendent of Schools, sued

in her individual capacity and Runston Lewis

300 East 42nd Street, 18<sup>th</sup> Floor

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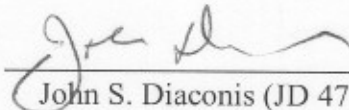
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on April 20, 2007, a copy of the within Declaration of John S. Diaconis, Esq., the Affidavits of Dawn Fuchek, Grace Bowles, Thomas Woodhull, Ralph Pizzo, Pamela Resch, the Local Rule 56.1 Statement of Material Facts, the Memorandum of Law in Support of Defendant's Motion for Summary Judgment were furnished via Overnight Mail to Sussman Law Office, P.O. Box 1005, Goshen, New York 10924.

Respectfully submitted,

**RUTHERFORD & CHRISTIE, LLP**

By: \_\_\_\_\_



John S. Diaconis (JD 4772)  
Attorneys for Defendants,  
Newburgh Enlarged City School  
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